

USSN 10/699,289

PATENT

-10-

Remarks

This is an amendment under 37 CFR § 1.116. The purpose of this amendment is to put the application in condition for allowance. The amendments to the extent they were not presented earlier, are now presented because they are necessitated by the indications of allowable claims set forth by the Examiner in the official action dated 24 August 2005. The applicant respectfully submits that these amendments do not raise new issues and do not require any further searching.

I. DOUBLE PATENTING

The applicant notes with appreciation the Examiner's withdrawal of the double patenting rejection set forth in the official action mailed on 16 March 2005.

II. ANTICIPATION AND OBVIOUSNESS REJECTIONS

The applicant notes with appreciation the Examiner's withdrawal of the anticipation and obviousness rejections set forth in the official action mailed on 16 March 2005.

III. CLAIM REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH

Claims 11 -13 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11 -13 are indefinite because they depend from canceled claim 10. The applicant has amended Claims 11-13 to make them depend on Claim 19. The applicant respectfully submits that the claims as now amended comply with 35 USC § 112, second paragraph.

IV. ALLOWED CLAIMS

The applicant notes with appreciation the Examiner's indication that Claims 23 and 27 are allowed.

V. ALLOWABLE CLAIMS

The applicant notes with appreciation the Examiner's indication that Claims 2, 7-9, 19-22 and 25 would be allowable if rewritten in independent form including the limitations of the base

USSN 10/699,289

PATENT

-11-

claim and any intervening claims.

Claim 7 depends on independent Claim 3. The applicant has amended Claims 3 to incorporate the subject matter of Claim 7 and has cancelled Claim 7. The applicant respectfully submits that Claim 3 as now amended is allowable in view of the Examiner's indication that Claim 7 would be allowable if rewritten in independent form. The applicant further submits that Claims 2, 4, 5, 6, 8, 9, 14, 21 and 22 that depend on Claim 3 are also allowable.

The applicant has rewritten claim 19 in independent form and respectfully submits that Claim 19, and Claim 20 that depends on Claim 19, are allowable.

The applicant has amended Claim 24 and Claim 26 to add the subject matter recited in Claim 3 and respectfully submits that Claim 24, Claim 25 that depends on Claim 24, and Claim 26 are allowable.

VI. SPECIFICATION

The applicant has additionally amended the summary of the invention and the abstract to conform them to the amended claims.

The applicant respectfully requests that the amendments set forth above be entered and that Examiner reconsider the rejection of the rejected claims. The applicant believes that the application as now amended is in condition for allowance, and respectfully requests such favorable action. If any matters remain outstanding in the application, the Examiner is respectfully invited to telephone the applicant attorney at (650) 485-3015 so that these matters may be resolved.

Respectfully submitted,

John D. Larson III

By: /Ian Hardcastle/
Ian Hardcastle
Reg. No. 34,075

Agilent Technologies, Inc.
Legal Department, MS DL429
P.O. Box 7599
Loveland, CO 80537-0599

Dated: 19 October 2005

Tel.: (650) 485-3015